

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

SAMANTHA J. MURPHY	§	
	§	
VS.	§	
	§	C.A. NO.: 3:14-cv-00108
	§	
CROWLEY PETROLEUM SERVICES,	§	
INC., CROWLEY MARITIME	§	
CORPORATION, and VESSEL	§	PLAINTIFF DEMANDS A
MANAGEMENT SERVICES, INC.	§	TRIAL BY JURY

**PLAINTIFF'S ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

1. COMES NOW, SAMANTHA J. MURPHY, hereinafter referred to as Plaintiff, complaining of, CROWLEY PETROLEUM SERVICES, INC., CROWLEY MARITIME CORPORATION, and VESSEL MANAGEMENT SERVICES, INC., hereinafter referred to as Defendants and for cause of action would respectfully show unto this Honorable Court as follows:

2. This is an action within the jurisdiction of this Court and this Court has jurisdiction because an amount in controversy exists in excess of the minimum jurisdictional limits of this Court.

3. Plaintiff is an American citizen and as an American seaman, he brings this action pursuant to the terms of Section 1916, Title 28, United States Code without the prepayment of costs or the necessity of depositing security therefor.

4. This claim is maintained under the Jones Act, 46 U.S.C. §30104, and the general maritime law of the United States.

5. Plaintiff, SAMANTHA J. MURPHY, is a resident of the Southern District of Texas.

6. Defendant, CROWLEY PETROLEUM SERVICES, INC. is a Delaware corporation doing business in the Southern District of Texas which has not designated an agent for service in the State of Texas. This Defendant may be served with due process herein by serving the Secretary of State, State of Texas. Defendant's address is 9487 Regency Square Blvd., Jacksonville, Florida 32225.

7. Defendant, CROWLEY MARITIME CORPORATION, is a Delaware corporation doing business in the Southern District of Texas which has not designated an agent for service in the State of Texas. This Defendant may be served with due process herein by serving the Secretary of State, State of Texas. Defendant's address is 9487 Regency Square Blvd., Jacksonville, Florida 32225.

8. Defendant, VESSEL MANAGEMENT SERVICES, INC., is a Delaware corporation doing business in the Southern District of Texas which has not designated an agent for service in the State of Texas. This Defendant may be served with due process herein by serving the Secretary of State, State of Texas. Defendant's address is 9487 Regency Square Blvd., Jacksonville, Florida 32225.

9. SAMANTHA J. MURPHY would show that this lawsuit has become necessary as a result of personal injuries received on or about August 2011. On that date, Plaintiff was employed by Defendant, CROWLEY PETROLEUM SERVICES, INC., as an able bodied seaman aboard the M/V ACHIEVEMENT, a vessel which was owned and or operated by Defendants,. CROWLEY PETROLEUM SERVICES, INC., CROWLEY MARITIME CORPORATION, and VESSEL

MANAGEMENT SERVICES, INC. Specifically, Plaintiff sustained severe, painful, and disabling injuries to her back, and other parts of his body when a fellow crew member did not give her enough slack on the spring line causing Plaintiff to use too much force and causing her to sustain injuries to her back. On said date Defendants were negligent and the vessel was unseaworthy. Specifically, Defendants were negligent in the following particulars:

- a. Failing to provide a safe place to work.
- b. Failure of co-workers to follow established procedures for handling lines.
- c. Failure to train and supervise crew.

10. On said date as a result of said occurrence, Plaintiff sustained severe and painful injuries to her back, among other parts of his body. Such occurrence and such injuries occurred as a proximate result of the unsafe and unseaworthy condition of the M/V ACHIEVEMENT, its crew and appurtenances and/or equipment or, in whole or in part, as a proximate result of the initial acts and/or negligence or lack of attention on the part of Defendants, its agents, servants and/or employees acting in the course and scope of their employment and agency.

11. At all times material hereto, Defendants, CROWLEY PETROLEUM SERVICES, INC., CROWLEY MARITIME CORPORATION, and VESSEL MANAGEMENT SERVICES, INC., owned, operated, and/or controlled the vessel M/V ACHIEVEMENT.

12. As a result of said occurrence, Plaintiff sustained severe injuries to her body, which resulted in physical pain, mental anguish and other medical problems. In connection therewith, Plaintiff would show that she has sustained severe pain, physical impairment, discomfort, mental anguish, and distress to date and that in all reasonable probability, such physical pain, physical

impairment and mental anguish will continue indefinitely and into the future. Moreover, Plaintiff has suffered a loss of earnings in the past, as well as a loss of future earning capacity. Furthermore, she has incurred and will incur pharmaceutical and medical expenses in connection with said injuries. By reason of the foregoing, Plaintiff would show that she has been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, for which amount she comes now and sues.

13. Plaintiff further alleges that it was and still is, the duty of Defendant, CROWLEY PETROLEUM SERVICES, INC., CROWLEY MARITIME CORPORATION, and VESSEL MANAGEMENT SERVICES, INC, to furnish her with maintenance and cure and loss of wages. Plaintiff further alleges that Defendants, CROWLEY PETROLEUM SERVICES, INC., CROWLEY MARITIME CORPORATION, and VESSEL MANAGEMENT SERVICES, INC, have unreasonably, arbitrarily, willfully and capriciously refused to pay maintenance to her and such sums were due and owing and Defendant have further unreasonably, arbitrarily, willfully and capriciously refused to provide her with medical cure. As a result of Defendants' unreasonable failure to provide maintenance and cure, Plaintiff is entitled to recovery for damages and expenses incurred, including, but not limited to, damages for prolongation or aggravation of injuries; pain and suffering and additional expenses. Plaintiff states that in addition to such maintenance and cure benefits as she is entitled, that she found it necessary to engage attorneys to represent him in the maintenance and cure action that she is entitled to and brings a suit for the reasonable attorney's fees for the collection of the maintenance and cure benefits due to her. Therefore, for the aforementioned reasons, Plaintiff states that she is entitled to maintenance and cure benefits, compensatory damages

and attorney's fees, in a sum in excess of the minimum jurisdictional limits of this Court or for other and further sums as the Court and/or Jury may find reasonable at the time of trial of this cause.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, SAMANTHA J. MURPHY, prays that this citation issue and be served upon said Defendants, CROWLEY PETROLEUM SERVICES, INC., CROWLEY MARITIME CORPORATION, and VESSEL MANAGEMENT SERVICES, INC., a form and manner prescribed by law, requiring that the Defendants appear and answer herein, and that upon final hearing hereon, Plaintiff have judgment against said Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post-judgment interests, all costs of Court, and all such other and further relief, to which he may show himself justly entitled.

Respectfully submitted,

SCHECHTER, MCELWEE, SHAFFER & HARRIS, L.L.P.

/s/Matthew D. Shaffer

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PLAINTIFF DEMANDS A TRIAL BY JURY